IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1119 of 2007

BALU RAM

V/S

PRABHULAL & ANR.

Mr. BN KALLA, for the appellant / petitioner

Date of Order : 15.3.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The case of the petitioner is that after compromise dated 2.8.2005, whereby it was agreed that the petitioner would vacate upto 3.12.2006, on 18.12.2006 there was an oral agreement between the parties, to the effect, that the petitioner would pay Rs.60,000/-, and rent would be increased to Rs.1000/- per month. This fact has been denied by the decree-holder, and the learned trial Court has found the story propounded by the petitioner to be a total myth.

Suffice it to say that apart from the reasonings given by the learned trial Court, a look at the provisions of Order 21 Rule 2 CPC shows that in any case, the petitioner was supposed to have the compromise, or the satisfaction of the decree recorded by the Executing Court, which admittedly, has not been done. In such circumstances, in my view, there is no error in the impugned order. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/